

1 Ryan Lee (SBN: 235879)  
rlee@consumerlawcenter.com  
2 Krohn & Moss, Ltd.  
10474 Santa Monica Blvd., Suite 405  
3 Los Angeles, CA 90025  
Tel: (323) 988-2400  
4 Fax: (866) 861-1390  
SASHA SUCHITE  
5

6 **IN THE UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
7 **SOUTHERN DIVISION**

8 SASHA SUCHITE, ) **Case No.: 8:15-cv-1535**  
9 )  
10 Plaintiff, ) **COMPLAINT AND DEMAND FOR**  
11 v. ) **JURY TRIAL**  
12 ) **(Unlawful Debt Collection Practices)**  
13 KOHL'S CORP., )  
14 Defendant. )  
15

16 SASHA SUCHITE (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the  
17 following against KOHL'S CORP. (Defendant):

18 **INTRODUCTION**

- 19 1. Count I of Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28  
20 U.S.C. § 227 *et seq.* (TCPA).  
21 2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection  
22 Practices Act, Cal. Civ. Code § 1788 *et seq.* (RFDCPA).  
23  
24  
25

### **JURISDICTION AND VENUE**

3. Jurisdiction of this Court over Counts I of Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331, and 28 U.S.C. § 1367 grants this court supplemental jurisdiction over the state claims contained herein.
4. Defendant conducts business in the State of California thereby establishing personal jurisdiction.
5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

### **PARTIES**

6. Plaintiff is a natural person residing in Westminster, Orange County, California.
7. Defendant is a business entity with a principal place of business in Columbus, Ohio.
8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

9. In or around 2014, Defendant began constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
10. Plaintiff's alleged debt arose through a consumer credit transaction.
11. Defendant places collection calls from telephone numbers, including, but not limited to, 262-703-1977, 262-704-9780, 414-257-1975, and 903-593-8790.
12. Defendant places collection calls to Plaintiff's cellular telephone at phone number 714-553-94XX.
13. Per its prior business practices, and based upon the timing, pattern, and frequency of Defendant's calls, each of Defendant's calls were placed using an automatic telephone dialing system.
14. In or around November, 2014, Defendant began placing multiple daily collection calls to

1 Plaintiff

2 15. On or around November 7, 2014, Plaintiff spoke with Defendant's representative and  
3 requested that Defendant cease placing collection calls to her cellular phone.

4 16. On or around May 7, 2015, Plaintiff spoke with Defendant's representative,  
5 "Sonya," and again requested that Defendant cease placing collection calls to her cellular  
6 phone.

7 17. Plaintiff revoked any consent, express, implied or otherwise, to receive automated  
8 collection calls from Defendant in the course of the telephone conversation on or around  
9 November 7, 2014 and May 7, 2015.

10 18. Despite Plaintiff's request to cease, Defendant continued to place multiple collection  
11 calls to Plaintiff on a daily basis.

12 19. Defendant placed at least three hundred and sixty-one (361) collection calls to Plaintiff  
13 over an approximate six-month period.

14 **COUNT I**

15 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTIONS ACT**

16 20. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA,  
17 entitling Plaintiff to an award of \$500.00 in statutory damages for each and every  
18 violation pursuant to 47 U.S.C. § 227(b)(3)(B).

19 21. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or  
20 willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory  
21 damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47  
22 U.S.C. § 227(b)(3)(C).

23 Wherefore, Plaintiff, SASHA SUCHITE, respectfully requests judgment be entered  
24 against Defendant, KOHL'S CORP. for the following:  
25

1 22. Statutory damages of \$500.00 for each and every negligent violation of the TCPA  
2 pursuant to 47 U.S.C. § (b)(3)(B);

3 23. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of  
4 the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

5 24. All court costs, witness fees and other fees incurred; and

6 25. Any other relief that this Honorable Court deems appropriate.

7  
8 **COUNT II**  
9 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**  
10 **PRACTICES ACT**

11 26. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as  
12 the allegations in Count II of Plaintiff's Complaint.

13 27. Defendant violated the RFDCPA based on the following:

14 a. Defendant violated § 1788.11(d) of the RFDCPA by causing a telephone to ring  
15 repeatedly or continuously to annoy the person called;

16 b. Defendant violated § 1788.11(e) of the RFDCPA by communicating with  
17 Plaintiff with such frequency as to be unreasonable and to constitute a  
18 harassment to Plaintiff.

19 c. Defendant violated § 1788.17 of the RFDCPA by failing to comply with the Fair  
20 Debt Collection Practices, Act, 15 U.S.C. § 1692 *et seq.*, to wit:

21 1. Defendant violated §1692d of the FDCPA by engaging in conduct the  
22 natural consequence of which is to harass, oppress, or abuse Plaintiff;

23 2. Defendant violated §1692d(5) of the FDCPA by causing a telephone to  
24 ring repeatedly or continuously with intent to annoy, harass, or abuse  
25 Plaintiff.

1 WHEREFORE, Plaintiff, SASHA SUCHITE, respectfully requests judgment be entered  
2 against Defendant, KOHL'S CORP. for the following:

- 3 28. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection  
4 Practices Act, Cal. Civ. Code §1788.30(b),  
5 29. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection  
6 Practices Act, Cal. Civ Code § 1788.30(c), and  
7 30. Any other relief that this Honorable Court deems appropriate.

8 RESPECTFULLY SUBMITTED,  
9 DATED: September 23, 2015  
10 KROHN & MOSS, LTD.

11 By: /s/Ryan Lee  
12 Ryan Lee  
13 Attorney for Plaintiff  
14

15 **DEMAND FOR JURY TRIAL**

16 PLEASE TAKE NOTICE that Plaintiff, SASHA SUCHITE, demands a jury trial in this  
17 case.  
18  
19  
20  
21  
22  
23  
24  
25